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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,649	01/18/2001	Richard Liming	37622.010400	6086
22191	7590	05/03/2004	EXAMINER	
GREENBERG-TRAURIG 1750 TYSONS BOULEVARD, 12TH FLOOR MCLEAN, VA 22102			TIV, BACKHEAN	
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			2151	

DATE MAILED: 05/03/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

c/n

Office Action Summary

Application No.

09/761,649

Applicant(s)

LIMING, RICHARD

Examiner

Backhean Tiv

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date g.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claims 39-58 are pending in this application.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 39, 47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 39 recites the limitation "method of Claim 30" in the first line. Claim 30 was cancelled in the pre-amendment, therefore claim 39 is vague and indefinite and there will be no art rejection.

Claim 47 recites the limitation "said spatial location" on the sixth line. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 57 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 6,006,260 issued to Barrick, Jr.et al.(Barrick).

1 As per claim 57, Barrick teaches a method of storing a spatial location associated
2 with a given waypoint, comprising:
3 determining a spatial location(col.6,lines 20,col.7,lines 1-8);
4 translating said spatial location into at least one standardized format(col.6,lines 21-
5 22,col.7,lines 1-8); and storing said translated spatial location as a
6 cookie(Fig.3,col.6,lines 9-19,col.7,lines 1-8).

7
8 ***Claim Rejections - 35 USC § 103***

9 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
10 obviousness rejections set forth in this Office action:

11 (a) A patent may not be obtained though the invention is not identically disclosed or described as set
12 forth in section 102 of this title, if the differences between the subject matter sought to be patented and
13 the prior art are such that the subject matter as a whole would have been obvious at the time the
14 invention was made to a person having ordinary skill in the art to which said subject matter pertains.
15 Patentability shall not be negated by the manner in which the invention was made.
16

17
18 Claims 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable
19 over US Patent 6,629,136 issued to Naidoo in view of US Patent 6,028,550 issued to
20 Froeberg et al.(Froeberg).
21

22 As per claim 40, Naidoo teaches a spatial location based data validation system,
23 comprising:
24 a transmitting device capable of automatic spatial location
25 determination(col.2,lines 44-64);

1 a receiving device capable of receiving a spatial location(Fig.4,element 410,
2 col.3,lines 59-66).

3 However, Naidoo does not teach a database of recent transmitting device spatial
4 locations; a means of calculating a speed and direction of said transmitting device
5 based on said database of recent transmitting device spatial locations; and
6 a means of determining whether a most recently received transmitting device spatial
7 location is consistent with said calculated speed and direction, within a specified range.

8 Froeberg teaches a database of recent transmitting device spatial
9 locations(col.13,lines 25-27; it is inherent that there is a database of recent transmitting
10 spatial locations because the speed and direction is replacing inaccurate values of
11 speed and direction);a means of calculating a speed and direction of said transmitting
12 device based on said database of recent transmitting device spatial
13 locations(col.13,lines 19-23); and
14 a means of determining whether a most recently received transmitting device spatial
15 location is consistent with said calculated speed and direction, within a specified
16 range(col.13,lines 31-37).

17 Therefore, it would have been obvious to one having ordinary skill in the art at
18 the time of the invention to modify the system of providing geographically-related
19 content over a network as taught by Naidoo to include calculating a speed and direction
20 of said transmitting device based on said database of recent transmitting device spatial
21 locations; and a means of determining whether a most recently received transmitting
22 device spatial location is consistent with said calculated speed and direction, within a

1 specified range as taught by Froeberg in order determine the location of a vehicle
2 (col.3,lines 14-15).

3 As per claim 41, a spatial location based data validation method, comprising the
4 steps of: determining the current spatial location of a transmitting device;
5 transmitting said transmitting device current location to a receiving device along with
6 other data from said transmitting device(Naidoo, col.2,lines 44-64);
7 receiving said transmitting device current spatial location (Naidoo, Fig.4,element 410,
8 col.3,lines 59-66);
9 calculating the speed and direction of travel associated with said transmitting device
10 based on recently stored current spatial locations for a transmitting device(Froeberg,
11 col.13,lines 19-23);
12 determining whether said transmitting device current location is consistent with said
13 calculated transmitting device speed and direction of travel, within a customizable error
14 limit(Froeberg, col.13,lines 31-37); and
15 providing positive authentication to said other data from said transmitting device if said
16 transmitting device current spatial location is determined to be consistent with said
17 calculated transmitting device speed and direction of travel(Froeberg, col.3,line 64-
18 col.4,line 2).

19
20 Claims 42-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over
21 US Patent 6,629,136 issued to Naidoo in view of US Patent 6,047,327 issued to Tso et
22 al.(Tso).

1

2 As per claim 42, Naidoo teaches an automatic spatial location client configuration
3 and service location system, comprising:

4 at least one server capable of fulfilling computing services(Fig4,element 410,
5 col.2,line 60-col.3,line5); and

6 at least one master server capable of maintaining a list of currently available
7 services provided by said at least one server, spatial locations associated with
8 said at least one server and said device, and spatial locations served by said at
9 least one server(col.3,line 59-col.4,line 30,col.8,lines 64-67).

10 However, Naidoo does not teach a device capable of transmitting a configuration
11 request and receiving local configuration information;
12 a storage means on said device into which said local configuration information can be
13 stored.

14 Tso teaches a device capable of transmitting a configuration request and
15 receiving local configuration information(col.16,lines 32-34);
16 a storage means on said device into which said local configuration information can be
17 stored(col.16,lines 38-41).

18 Therefore, it would have been obvious to one having ordinary skill in the art at
19 the time of the invention to modify the system of providing geographically-related
20 content over a network as taught by Naidoo in include transmitting configuration request
21 and receiving local configuration and storing the local configuration as taught by Tso in
22 order for the cellular device to be aware of its respective location(col.16,lines 28-29).

1 As per claim 43, the automatic spatial location client configuration and service
2 location system of Claim 42, wherein said device includes a current spatial location in
3 said configuration request(Tso, col.18, lines 1-26).

4 As per claim 44, the automatic spatial location client configuration and service
5 location system of Claim 42, wherein said local configuration information received by
6 said device includes a spatial location(Tso, col.16,line 37).

7 As per claim 45, the automatic spatial location client configuration and service
8 location system of Claim 42, wherein said local configuration information includes
9 software to be installed on said device(Tso, col.24,lines 24-28).

10 As per claim 46, the automatic spatial location client configuration and service
11 location system of Claim 42, wherein said local configuration information includes
12 specification of a preferred spatial location encoding means and software necessary to
13 implement said preferred spatial location encoding means if said device is not already
14 capable of implementing said preferred spatial location encoding means(Naidoo,
15 col.2,lines 53-55); examiner interprets the process of converting an address to latitude
16 and longitude as encoding.

17
18 Claims 47-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over
19 US Patent 6,047,327 issued to Tso et al.(Tso) in view of US Patent 6,216,173 issued to
20 Jones et al.(Jones).

21

1 As per claim 47, Tso teaches an automated network client configuration and
2 service location method, comprising the steps of:
3 transmitting a configuration request from a device(col.16,lines 32-34); identifying
4 at least one server capable of providing said requested configuration information
5 to said device based in part on said spatial location transmitted by said
6 device(col.16,lines 35-41);
7 and storing said requested configuration information on said device(col.16,lines
8 38-41).

9 However does not teach receiving and processing said configuration request at a
10 master configuration server; rerouting of said configuration request to said at least one
11 service server; transmitting said requested configuration information to said device from
12 said at least one service server.

13 Jones teaches teach receiving and processing said configuration request at a
14 master configuration server(col.12,lines 16-20); rerouting of said configuration request
15 to said at least one service server(col.12,lines 39-54);
16 transmitting said requested configuration information to said device from said at least
17 one service server(col.12,lines 39-54).

18 Therefore, it would have been obvious to one having ordinary skill in the art at
19 the time of the invention to modify the method of identifying a server to serve a cellular
20 phone taught by Tso to add receiving and processing configuration request at a master
21 server and rerouting configuration request to another service server and transmitting the
22 requested configuration information to a device as taught by Jones in order to consider

1 the relative requirements of other applications that is needed to use the
2 network(col.3,line 66-col.4, line 6).

3 As per claim 48, the automated network client configuration and service location
4 method of Claim 47, in which said configuration request includes a spatial location,
5 attributes associated with said spatial location, and attributes associated with said
6 device(Tso, col.18, lines 1-26).

7
8 Claims 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over
9 US Patent 6,047,327 issued to Tso et al.(Tso) in view of US Patent 6,216,173 issued to
10 Jones et al.(Jones) in further view of US Patent 6,629,136 issued to Naidoo.

11
12 Tso in view of Jones teaches all the limitations of claim 47 however does not
13 teach as per claim 49, the automated network client configuration and service location
14 method of Claim 47, in which said requested configuration information includes a list of
15 additional services available from at least one server accessible via the network.

16 Naidoo teaches which said requested configuration information includes a list of
17 additional services available from at least one server accessible via the
18 network(col.8,lines 64-67).

19 Therefore, it would have been obvious to one having ordinary skill in the art at
20 the time of the invention to modify the method of identifying a server to serve a cellular
21 phone taught by Tso in view of Jones to add a list of addition service from at least one

1 server as taught by Naidoo in order to help find information corresponding to a specific
2 area(col.1,lines 57-59).

3 As per claim 50, the automated network client configuration and service location
4 method of Claim 47, in which said device is capable of automatically determining a
5 current spatial location, and said current spatial location is included in said configuration
6 information request(Naidoo, col.2, lines 60-64).

7
8 Claim 51 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over
9 US Patent 6,014,090 issued to Rosen et al.(Rosen) in view of US Patent 6,028,550
10 issued to Froeberg et al.(Froeberg).

11
12 As per claim 51, Rosen teaches a real time, spatial location aware directory
13 system, comprising:

14 an electronic device which is assigned a unique identifier, and which is capable
15 of reporting a spatial location by embedding said spatial location, said unique
16 identifier, and other information within communications originating from said
17 electronic device(col.4,lines 59-67;examiner interprets the location identifier as
18 the unique identifier);

19 network infrastructure equipment capable of extracting said spatial location and
20 said unique identifier from said communications originating from said electronic
21 device(col.4,lines 53-56);

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1 a database communicatively coupled to said network infrastructure equipment
2 which is capable of associating said extracted electronic device identifier and
3 spatial location with information pertaining to an entity owning and operating said
4 electronic device(col.5,lines 1-5,col.5,lines 59-67).

5 However Rosen does not teach a means of updating spatial location information
6 stored in said database when spatial location information reported by said electronic
7 device changes.

8 Froeberg teaches updating spatial location information stored in said database
9 when spatial location information reported by said electronic device
10 changes(col.10,lines 11-29).

11 Therefore, it would have been obvious to one having ordinary skill in the art at
12 the time of the invention to modify the system of identifying a device as taught Rosen to
13 add updating location information stored in a database as taught by Froeberg in order to
14 keep track of the most recent location of a device.

15 Claim 54 is of the same scope as claim 51, therefore is rejected based on the
16 same rationale as claim 51. Claim 54 recites a method while, 51 recites a system (see
17 claim 51 rejection).

18
19 Claim 52 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over
20 US Patent 6,014,090 issued to Rosen et al.(Rosen) in view of US Patent 6,028,550
21 issued to Froeberg et al.(Froeberg) in further view of US Patent 6,629,136 issued to
22 Naidoo.

1

2 Rosen in view of Froeberg teaches all the limitation of claim 51, however does
3 not teach as per claim 52, the real time, spatial location aware directory system of
4 Claim 51, wherein said electronic device includes a point of sale terminal.

5 Naidoo teaches wherein said electronic device includes a point of sale
6 terminal(col.6,lines 65-66).

7 Therefore, it would have been obvious to one having ordinary skill in the art at
8 the time of the invention to modify the system of identifying a device as taught Rosen in
9 view of Froeberg to add wherein said electronic device includes a point of sale terminal
10 as taught by Naidoo in order to in order to help find information corresponding to a
11 specific area(col.1,lines 57-59).

12 Claim 55 is of the same scope as claim 52, therefore is rejected based on the
13 same rationale(see claim 52 rejection).

14

15 Claim 53 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over
16 US Patent 6,014,090 issued to Rosen et al.(Rosen) in view of US Patent 6,028,550
17 issued to Froeberg et al.(Froeberg) in further view of US Patent 6,259,405 issued to
18 Stewart et al (Stewart).

19

20 Rosen in view of Froeberg teaches all the limitation of claim 51 however does not
21 teach as per claim 53, the real time, spatial location aware directory system of Claim 51,
22 wherein said information pertaining to an entity owning and operating said electronic

1 device includes the name, address, telephone number, and E-mail address of said
2 entity, wherein said address is updated as said spatial location information reported by
3 said electronic device changes.

4 Stewart teaches wherein said information pertaining to an entity owning and
5 operating said electronic device includes the name, address, telephone number, and E-
6 mail address of said entity, wherein said address is updated as said spatial location
7 information reported by said electronic device changes(col.10,lines 9-18).

8 Therefore, it would have been obvious to one having ordinary skill in the art at
9 the time of the invention to modify the system of identifying a device as taught Rosen in
10 view of Froeberg to add wherein said information pertaining to an entity owning and
11 operating said electronic device includes the name, address, telephone number, and E-
12 mail address of said entity, wherein said address is updated as said spatial location
13 information reported by said electronic device changes as taught by Stewart in order to
14 service mobile users of portable devices(col.1,lines 23-25).

15 Claim 56 is of the same scope as claim 53, therefore is rejected based on the
16 same rationale(see claim 53 rejection).

17
18 Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over US
19 Patent 6,629,136 issued to Naidoo in view of US Patent 6,216,173 issued to Jones et
20 al.(Jones) in further view of US Patent 6,047,327 issued to Tso et al.(Tso).

21

1 As per claim 58, Naidoo teaches a method of building an enhanced directory of
2 available services and devices which includes the spatial location of such services and
3 devices, comprising the steps of:

4 transmitting a configuration request from a device, wherein said configuration
5 request includes a spatial location, attributes associated with said spatial
6 location, and attributes associated with said device(col.3,lines 30-31, lines 59-
7 66,col.11,lines 23-27);

8 identifying at least one service servers capable of providing said requested
9 configuration information to said device based in part on said spatial location
10 transmitted by said device(col.10.lines 39-42);

11 However Naidoo does not teach receiving and processing said configuration
12 request at a master configuration server; rerouting of said configuration request to said
13 one or more service servers; transmitting said requested configuration information to
14 said device from said one or more service servers; storing said requested configuration
15 information on said device; storing said spatial location, spatial location attributes,
16 device attributes, and assigned configuration information in a database on a server;
17 allowing other devices to search said database; and, updating device spatial location
18 and spatial location attribute information on a periodic basis.

19 Jones teaches receiving and processing said configuration request at a master
20 configuration server(col.12,lines 16-20); rerouting of said configuration request to said
21 one or more service servers(col.12,lines 39-54);transmitting said requested

1 configuration information to said device from said one or more service
2 servers(col.12,lines 39-54).

3 Therefore, it would have been obvious to one having ordinary skill in the art at
4 the time of the invention to modify of providing geographically-related content over a
5 network as taught by Naidoo to add receiving and processing said configuration request
6 at a master configuration server;
7 rerouting of said configuration request to said one or more service servers;
8 transmitting said requested configuration information to said device from said one or
9 more service servers as taught by Jones in order to consider the relative requirements
10 of other applications that is needed to use the network(col.3,line 66-col.4, line 6).

11 Naidoo in view of Jones however does not teach storing said requested
12 configuration information on said device; storing said spatial location, spatial location
13 attributes, device attributes, and assigned configuration information in a database on a
14 server; allowing other devices to search said database; and, updating device spatial
15 location and spatial location attribute information on a periodic basis.

16 Tso teaches storing said requested configuration information on said device
17 (col.16,lines 24-28); said spatial location, spatial location attributes, device attributes,
18 and assigned configuration information in a database on a server(Fig.3,col.4,line 65-
19 col.5,line29); allowing other devices to search said database(col.1,lines 16-26); and,
20 updating device spatial location and spatial location attribute information on a periodic
21 basis(col.6,lines 64-67).

Conclusion

16 If attempts to reach the examiner by telephone are unsuccessful, the examiner's
17 supervisor, Glenton B Burgess can be reached on (703) 305-4792. The fax phone
18 number for the organization where this application or proceeding is assigned is 703-
19 872-9306.

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1 Information regarding the status of an application may be obtained from the
2 Patent Application Information Retrieval (PAIR) system. Status information for
3 published applications may be obtained from either Private PAIR or Public PAIR.
4 Status information for unpublished applications is available through Private PAIR only.
5 For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should
6 you have questions on access to the Private PAIR system, contact the Electronic
7 Business Center (EBC) at 866-217-9197 (toll-free).

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Andrew Caldwell
Andrew Caldwell